

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**KELVIN L. CRENSHAW,**  
**Petitioner,**

**v.**

**Case No. 13-C-1313**

**BRIAN FOSTER, Warden,**  
**Kettle Moraine Correctional Institution,**  
**Respondent.**

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**ORDER**

Kelvin L. Crenshaw has filed this petition pursuant to 28 U.S.C. § 2254. In my last order, I reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases, ordered the respondent to answer the petition, and set a briefing schedule. Crenshaw has since filed three motions: a motion to proceed in forma pauperis, a motion to appoint counsel, and a motion for an evidentiary hearing. I address those motions in this order.

Crenshaw has already paid the \$5.00 filing fee for this action. The reason he has moved for leave to proceed in forma pauperis is to support his motion to appoint counsel by showing that he is unable to afford counsel. See 28 U.S.C. § 1915(e)(1). I have reviewed his motion and conclude that he is unable to afford counsel. However, at this point in the case, it appears that Crenshaw is competent to litigate on his own. Accordingly, although I will grant the motion for leave to proceed in forma pauperis, I will deny the motion to appoint counsel. See Pruitt v. Mote, 503 F.3d 647, 654 (7th Cir. 2007) (en banc).

As for the motion for an evidentiary hearing, it will be denied without prejudice. Once the parties have filed their briefs regarding the merits of the petition, I will determine whether the petitioner is entitled to an evidentiary hearing. If so, a hearing will be scheduled. The petitioner is reminded that, pursuant to the briefing schedule set forth in the Rule 4 order, his brief is due within 45 days of the date the respondent files his answer.

**THEREFORE, IT IS ORDERED** that petitioner's motion for leave to proceed in forma pauperis is **GRANTED**.

**IT IS FURTHER ORDERED** that petitioner's motion to appoint counsel is **DENIED**.

**FINALLY, IT IS ORDERED** that petitioner's motion for an evidentiary hearing is **DENIED WITHOUT PREJUDICE**.

Dated at Milwaukee, Wisconsin, this 10<sup>th</sup> day of January, 2014.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge